

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2004 AUG 2 AM 9 31

SCOTT TRAUDT)

v.)

DAIMLERCHRYSLER)
MOTORS COMPANY, LLC,)
PERFORMANCE MARKETING,)
INC., DAVID CICOTTE,)
MECHANICS JOHN DOES 1-4)

CLERK
BY lw CIVIL ACTION NO. 1:04-CV-53
DEPUTY CLERK

ANSWER OF DAIMLERCHRYSLER

First Defense

Defendant DaimlerChrysler Corporation (erroneously named in the caption)

("DaimlerChrysler") responds to the allegations of the First Amended Complaint as follows:

All allegations of the first unnumbered paragraphs are denied.

Plaintiff

1. DaimlerChrysler does not currently have sufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph 1 and denies the allegations on that basis (hereinafter "Insufficient information").

Defendants

2. Admitted that DaimlerChrysler markets Dodge Dakotas and Durango.
Otherwise denied.

3-5. Insufficient information.

6-9. Legal Arguments, not statements of fact; no answer required. Alternatively,
denied (hereinafter "Legal Argument.")

10. Denied.

- 11. Denied.
- 12. Legal Argument.

Facts

- 13. Admitted.
- 14. Insufficient information.
- 15. Legal Argument.
- 16. Admitted.
- 17. 2003 Dodge Dakotas were sold with express limited warranties. Otherwise,

Legal Argument.

- 18-21. Denied.
- 22-37. Insufficient information.
- 38. First sentence: Legal Argument. Second sentence: Denied.
- 39-41. Denied.
- 42-43. Legal Argument.
- 44-45. Denied.
- 46-48. Insufficient information.
- 49. Denied.

Count I: Gross Negligence

- 50. DaimlerChrysler repeats and incorporates its responses to paragraphs 12-49.
- 51-55. Denied.

Count II: Breach of Implied Warranty

- 56. DaimlerChrysler repeats and incorporates its responses to paragraphs 12-49.
- 57. Legal Argument.

58-59. Insufficient information.

60. Admitted.

61-62. Insufficient information.

63. Legal Argument.

64. Denied.

Count III: Breach of Express Warranty

65. DaimlerChrysler repeats and incorporates its responses to paragraphs 12-49.

66-67. Legal Argument.

68. Denied.

Count IV: Negligence

69. DaimlerChrysler repeats and incorporates its responses to paragraphs 12-49.

70-73. The allegations of these paragraphs do not appear to be made against DaimlerChrysler, so no answer required. Alternatively, Insufficient information.

74. Denied.

Count V: RICO/Performance

75. DaimlerChrysler repeats and incorporates its responses to paragraphs 12-49.

76-79. The allegations of these paragraphs do not appear to be made against DaimlerChrysler, so no answer required. Alternatively, Insufficient information.

Count VI: RICO/Cicotte

80. DaimlerChrysler repeats and incorporates its responses to paragraphs 12-49.

81-83. The allegations of these paragraphs do not appear to be made against DaimlerChrysler, so no answer required. Alternatively, Insufficient information.

Second Defense

The amended Complaint fails to state a claim against DaimlerChrysler within the jurisdiction of the United States District Court.

Third Defense

Plaintiff lacks standing to seek injunctive relief against DaimlerChrysler.

Fourth Defense

The Amended Complaint fails to state a claim for injunctive relief against DaimlerChrysler.

Fifth Defense

The Amended Complaint fails to state a claim for attorney fees.

Sixth Defense

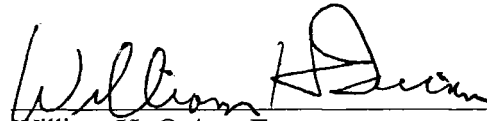
The Amended Complaint fails to state a claim for punitive damages.

WHEREFORE, DaimlerChrysler demands judgment in its favor, together with taxable costs.

Dated: July 30, 2004.

PIERSON WADHAMS QUINN YATES & COFFRIN
Attorney for Defendant DaimlerChrysler

By:


William H. Quinn, Esq.

cc: Scott Traudt, *Pro Se*
John Paul Faignant, Esq.

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V.

CIVIL ACTION NO.: 1:04-CV-53

DAIMLERCHRYSLER
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CERTIFICATE OF SERVICE

On July 30 2004, the undersigned caused to be served a copy of *Answer of*

DaimlerChrysler upon the following persons by depositing a copy of same in the United States

Mail, postage prepaid:

Scott Traudt, *Pro Se*
191 Kibling Hill Road
Strafford, VT 05072

John Paul Fagnant, Esq.
Miller Fagnant & Behrens
P.O. Box 6688
Rutland, VT 05702-1509

Date: July 30, 2004.

PIERSON WADHAMS QUINN YATES & COFFRIN
Attorneys for Defendant DaimlerChrysler

By:

William H. Quinn, Esq.